

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF CALIFORNIA

COLLETTE DELBRIDGE, individually  
and on behalf of others similarly situated,

Plaintiff,

v.

KMART CORPORATION,

Defendant.

No. C 11-02575 WHA

**ORDER REGARDING  
EVIDENTIARY HEARING**

Plaintiff has moved for a remand of its appeal of the December 2012 judgment from our court of appeals (Dkt. No. 360). Contingent upon that motion being granted, an evidentiary hearing on plaintiff's Rule 60 motion regarding Kmart's failure to produce checkout stand schematics will take place on **JULY 2 AT 7:30 A.M.** The hearing will run until 1:00 p.m. If necessary, the hearing will continue on **JULY 3 AT 7:30 A.M.** Counsel and the witnesses shall ensure that they are available on both days.

The following witnesses will be subject to cross-examination at the hearing:

1. Amanda Sommerfeld
2. Emily Schumann
3. Marisa Pulice
4. Aimee Grabau
5. Jim Hamilton
6. Michael Righetti
7. Kevin McNerny

1 Mr. Righetti and Mr. McInerny shall submit declarations regarding their involvement in  
2 the discovery process related to the checkout stand designs by **JUNE 18 AT NOON.**

3 The declarations submitted by the seven witnesses in connection with the Rule 60 motion  
4 shall constitute the witnesses' direct testimony. No further direct testimony will be permitted.

5  
6 **IT IS SO ORDERED.**

7  
8 Dated: June 14, 2013.

  
9 WILLIAM ALSUP  
10 UNITED STATES DISTRICT JUDGE  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28